

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Concordia Development Corporation  
5657 Arlington Avenue  
Riverside, CA

its heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property. A portion of that certain 15' storm drain easement conveyed to the City of Riverside by easement recorded in Book 1896, page 250 et. seq., official records of Riverside County, California, as shown by the attached exhibit "A",

in accordance with the terms hereof.

1. Permittee shall use and occupy the described property only in the manner and for the purposes as follows: Construction and maintenance of a patio and walkway encroaching into said storm drain easement as shown by the attached Exhibit "A".

1a. A new storm drain manhole shall be constructed within the northerly driveway to the specifications of the Public Works Department and access upon the on-site driveways shall be allowed for routine maintenance at the new manhole and new Std. 405 catchbasin.

1b. Since the storm drain pipe is shallow where it crosses the project and may not be of adequate strength to bear the weight of earthmoving or compaction vehicles on it, the permittee shall take all steps deemed necessary, including temporary mounding of earth over the pipe, to protect it in place. After all construction is complete, the permittee shall have the drain inspected to the specifications of the Public Works Department. The cost of inspection and any required repairs shall be borne by the permittee herein.

2. Permittee, by acceptance of the benefits hereunder, acknowledges title to the property to be in the City of Riverside and waives any right to contest the validity of the dedication or grant.

3. Permittee acknowledges that the described property is the site of a proposed or planned public improvement and that, accordingly, all rights and privileges of use permitted shall cease and expire upon notice of revocation by the City. Upon the expiration or revocation, Permittee shall, within the time prescribed by the City, remove all improvements or obstructions placed, constructed or maintained by the Permittee. If the Permittee fails to abide by the removal order of the City within the time prescribed, the City shall have the right to remove and destroy the improvements without reimbursement to the Permittee and the cost of such removal shall be paid by the Permittee to the City of Riverside and shall constitute a debt owed to the City of Riverside.

4. Permittee, by acceptance hereof, waives the right of claim, loss, damage or action against the City of Riverside arising out of or resulting from revocation, termination, removal of the improvements or any action of the City of Riverside, its officers, agents or employees taken in accordance with the terms hereof.

5. Finding and determination by the City Council of the City of Riverside that the Permittee, or his heirs and assigns or successors in interest, are in default of the terms hereunder shall be cause for revocation.

6. Permittee herewith agrees to hold the City of Riverside harmless from and against all claims, demands, costs, losses, damages, injuries, action for damages and/or injuries, and liability growing or arising out of or in connection with the construction, encroachment, and/or maintenance to be done by Permittee or his agents, employees or contractors within the described property.

DATED: June 17, 1986

CITY OF RIVERSIDE, a municipal corporation

By John Mansfield Mayor Pro Tempore

Attest Alice A. Hae City Clerk

ARLINGTON APARTMENTS, LTD. by its general partner CONCORDIA DEVELOPMENT CORPORATION

The foregoing is accepted by:

By: O. Randolph Hall, Jr.

(Signature(s) of Permittee)

O. Randolph Hall, Jr.

President

APPROVED AS TO CONTENT

W. D. Gardner by W. C. Krasinsky  
Department Head

APPROVED AS TO FORM

John Woodhead  
City Attorney

CITY MANAGER APPROVAL

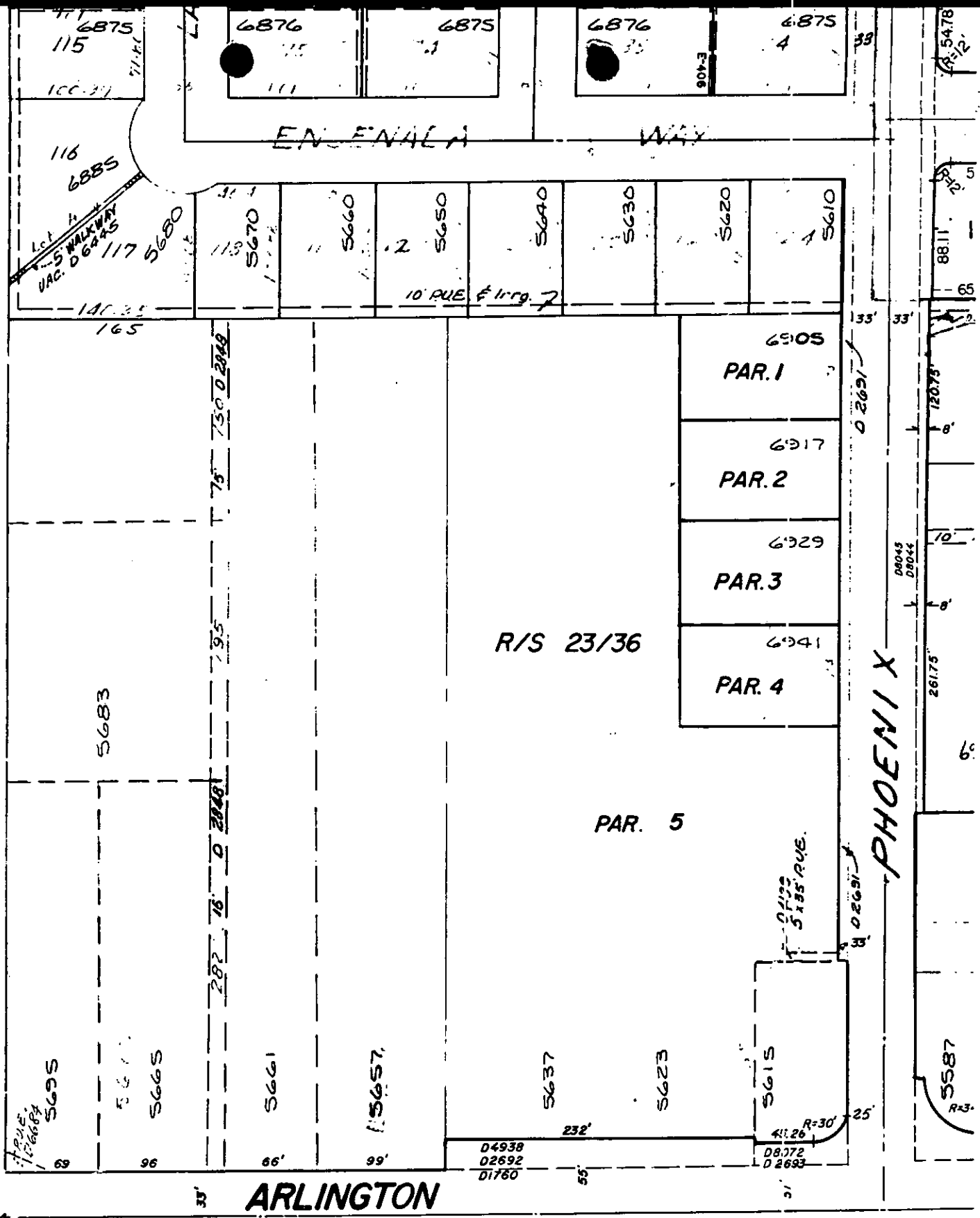
Robert E. Fennell  
City Manager

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**EXHIBIT "A"**  
**SHEET 1 OF 2**  
**E-990**